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Documents
In File

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04679
Date Received: 6/19/1990
Receipt No: T017346
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83707

2. Date of Priority: JAN 01, 1895

3. Source: INDIAN CREEK

Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	04E	29	SW	SW			ADA
		30	SE	SE			ADA

5. Description of diverting works:
DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31			3000.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 3000.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION, RESERVOIR FOR GAME FISH, WILDLIFE AND RECREATIO

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	04E	28	NW	SW		FISH	
			SW	SW		FISH	

A63-04679

Page 1

Date: 07/06/90

MICROFILMED
AUG 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	04E	29	SW		NE		FISH	
			NW		NW		FISH	
			SW		NW		FISH	
			SE		NW		FISH	
			NE		SW		FISH	
			NW		SW		FISH	
			SW		SW		FISH	
			SE		SW		FISH	
			NE		SE		FISH	
			NW		SE		FISH	
			SW		SE		FISH	
		30	SE		SE		FISH	
			NE		NE		FISH	
			SE		NE		FISH	
			NE		SE		FISH	
			SE		SE		FISH	
		32	NE		NW		FISH	
			NW		NW		FISH	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
IDFG HAS A FLOOD EASEMENT WITH BLM.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

MICROFILMED
JUL 18 1992

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
_____ foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

#91.51

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04679
Date Received: 6-19-90
Receipt No: TD17346
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83726
07

2. Date of Priority: JAN 01, 1895

3. Source: INDIAN CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	04E	29	SW	SW			ADA
		30	SE	SE			ADA

5. Description of diverting works:
DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
WILDLIFE STORAGE FISH	01/01	12/31			3000.00
RECREATION STORAGE PROPAGATION	01/01	12/31			3000.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 3000.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
RESERVOIR FOR GAME FISH, WILDLIFE AND RECREATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	04E	28	NW	SW		WILD-S Fish P.	
			SW	SW		WILD-S	"
		29	SW	NE		WILD-S	"
			NW	NW		WILD-S	"
			SW	NW		WILD-S	"
			SE	NW		WILD-S	"
			NE	SW		WILD-S	"
			NW	SW		WILD-S	"
			SW	SW		WILD-S	"
			SE	SW		WILD-S	"
			NE	SE		WILD-S	"
			NW	SE		WILD-S	"
			SW	SE		WILD-S	"
			SE	SE		WILD-S	"
		30	NE	NE		WILD-S	"
			SE	NE		WILD-S	"
			NE	SE		WILD-S	"
			SE	SE		WILD-S	"
		32	NE	NW		WILD-S	"
			NW	NW		WILD-S	"

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? ~~YES~~ No

13. Other Water Rights Used:

14. Remarks: *IDFG HAS A FLOOD EASEMENT WITH BLM*

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Assistant Director of Idaho Dept of Fish & Game (IDFG), that I have signed the foregoing document in the space below as Acting Director of IDFG and that the statements contained in the foregoing document are true and correct.

Kenneth Prince
Signature of Authorized Agent
Assistant Director
IDFG
Title and Organization

3-15-90
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of March 19 90

Dorothy Baker
Notary Public

Seal

Residing at Emmett, Idaho
My Commission Expires 10/31/1991

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME ID F\$6 CLAIM IDENT. NO. AL3-04679

DATE RECEIVED 6-19-90 CK # 1017346 AMOUNT \$ 91.51

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
2. Is a priority date entered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
Is the priority date acceptable in view of mandatory filing dates?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. (a) Is a source entered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
(b) Is a tributary to entered? (if required)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Is the legal description of the p.d. sufficient?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
5. Is there a description of the diverting works?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
Is the period of use included?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is a quantity claimed for each use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
7. Is a total quantity claimed entered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. If required is a consumptive use entered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is the consumptive use correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
10. Is (are) the place(s) of use and purpose(s) indicated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
11. Is (are) the county(ies) entered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Is the ownership of p.u. checked?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. Are other water rights listed or "none" indicated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	None
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15. Is the basis of the claim indicated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
18. Has the claim been signed, sealed, and dated by a notary?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
19. Was this claim filed on time, or was an extension granted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
20. Is the fee enclosed correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*
21. If this claim is based on an existing water right, has the identification number been entered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
22. Should this claim be data entered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Claim checked by: RAJ Date: 7-5-90Claim must be returned to claimant: (Yes) (No)Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: RAJ Date: 7-6-90

Claim data entered by: RAJ Date: 7-6-90

Sent to claimant by: RAJ Date: 7-6-90

Checked by: RAJ Date: 7-6-90

Comments: _____

MICROFILMED

AUG 2 1990

See notes &
file for
63-4338

Rec. as
disallowed

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

A. Subcase Number: 63-4679
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho,
Department of Fish and Game
Address: 600 S. Walnut St.
P. O. Box 25
Boise, Idaho 83707
Daytime Phone: (208) 334-3700

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
IRW Building, Second Floor
700 West State Street
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: STATE OF IDAHO
DEPT OF FISH & GAME
Address: PO Box 25
Boise, ID 836707

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: See Attachment I.
2. ☒ **Source**
Should be: See Attachment I.
3. ☒ **Quantity**
Should be: See Attachment I.
4. ☒ **Priority Date**
Should be: See Attachment I.
5. ☒ **Points of Diversion**
Should be: See Attachment I.
6. ☐ **Instream Flow Description**
Should be: Not applicable.
7. ☒ **Purpose(s) of Use**
Should be: See Attachment I.
8. ☒ **Period of Year**
Should be: See Attachment I.
9. ☒ **Place of Use**
Should be: See Attachment I.
10. ☐ **Other Provisions**
Should be: _____

11. **I object because:**

- ☐ This water right should not exist.
☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The State of Idaho, Department of Fish and Game, hereinafter "IDFG," is the owner of the land at the place of use. It has maintained an active program of stocking fish since the 1920's. It would like to retain this use of this reservoir.

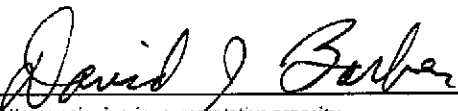
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

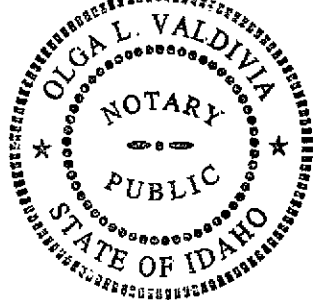
That the State of Idaho, Department of Fish and Game, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Fish and Game, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on: June 26, 2007

(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing

G. CERTIFICATE OF MAILING

I certify that on June 26, 2007, I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303

U.S. MAIL

2. One copy to the owner of the water right at the following address:

State of Idaho,
Department of Fish and Game
600 S. Walnut St
P. O. Box 25
Boise, Idaho 83707

STATEHOUSE MAIL

3. Copies to:

Special Master Theodore Booth
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

U.S. MAIL

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

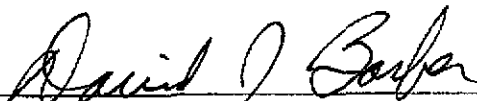
STATEHOUSE MAIL

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf

ATTACHMENT I

RIGHT NUMBER: 63-4679

NAME AND:
ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: INDIAN CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 3000 AFY

PRIORITY
DATE: 01/01/1895

POINT OF
DIVERSION: I01N R04E S29 SWSW Within ADA County
I01N R10E S30 SESE Within ADA County

PURPOSE
AND PERIOD:
OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	3,000 AFY

PLACE
OF USE: FISH PROPAGATION Within ADA County

I01N R04E S28 NWSW	I01N R04E S28 SWSW		
I01N R04E S29 SWNE			
I01N R04E S29 NWNW	I01N R04E S29 SWNW	I01N R04E S29 SENW	
I01N R04E S29 NESE	I01N R04E S29 NWSE	I01N R04E S29 SWSE	I01N R04E S29 SESE
I01N R04E S30 NENE	I01N R04E S30 SENE		
I01N R04E S32 NENW	I01N R04E S30 NWNW		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

COPY

RECEIVED

JUN 27 2007

DEPARTMENT OF
WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)	Subcase No 63-4679
)	
)	MOTION TO FILE LATE OBJECTION
)	
Case No. 39576)	
)	
)	
)	

The State of Idaho, Department of Fish and Game ("IDFG"), by and through the undersigned deputy attorney general, moves this Court to enter an order accepting for filing the attached *Objection* for the above-entitled subcase. The grounds for this motion are as follows:

1. Objections to water rights recommended in the Director's Report for Basin 63, Part 3, for Irrigation and Other Water Rights were due on June 20, 2007

2. The undersigned deputy attorney general had discussed in a general way the preparation and filing of an objection for this water right with Dr. Poole of IDFG. However, no final decision had been made by June 18, 2007. The undersigned deputy attorney general attempted to contact Dr. Poole at IDFG on several occasions during the period from June 18-20, 2007 regarding the filing of an objection for this water right. He did not reach Dr. Poole until after the deadline. *Affidavit of David J. Barber Dated June 25, 2007* at 1-2. A timely objection was not filed as a consequence.

3. Water right no. 63-4679 provides water to a 3,000 acre foot storage reservoir known as "Indian Creek Reservoir," that the IDFG has stocked with cold water and warm water fish. *Affidavit of Walton Poole Dated June 25, 2007* at 1-2. Recent years of drought have depleted the water and reduced the fishery. Since this reservoir is close to the largest metropolitan area of the State, it may provide a substantial recreational fishing opportunity to nearby residents

4. While no timely objections have been filed to this water right, it is in the best interest of justice that the attached *Objection* be filed to resolve the issues raised by the movant.

5. Oral argument is requested on this motion.

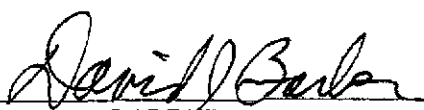
PRAYER FOR RELIEF

1. That the Court set this matter for hearing.
2. That the Court enters an order that directs the Clerk to file the attached *Objection*.
3. That the Court grants such other and further relief as the Court deems just and proper.

DATED this 26^h day of June 2007.

LAWRENCE G WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division


DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on the 26th day of June 2007, I caused to be served the original and/or copy of this MOTION TO FILE LATE OBJECTION on each of the following persons by the indicated method

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

Special Master Theodore Booth
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Email: tbooth@srba.state.id.us
☐ Facsimile: _____
☐ Statehouse Mail

State of Idaho
Dept. of Fish and Game
PO Box 225
Boise, ID 83303

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Email: tbooth@srba.state.id.us
☐ Facsimile: _____
☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P O. Box 44449
Boise, Idaho 83711-4449

Not Applicable



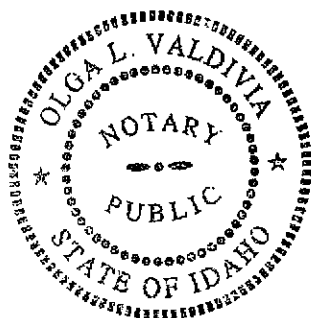
DAVID J. BARBER
Deputy Attorney General

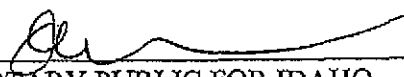
to Dr. Poole beginning on June 18, 2007 through June 20, 2007 to find out what the present position of the agency was about an objection to the Director's recommendation of disallowal of this water right. I was not able to reach Dr. Poole until after the deadline.

3. Further your affiant sayeth naught


DAVID J. BARBER

SUBSCRIBED AND SWORN to before me this 25th day of June 2007.




NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission expires 2/8/2012

CERTIFICATE OF MAILING

I certify that on this 26th day of June 2007, I caused to be served the original and copies of this AFFIDAVIT OF DAVID J. BARBER DATED JUNE 25, 2007 on the following persons by the indicated methods:

1 Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

2. Copies to

Special Master Theodore Booth
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Email: tbooth@srba.state.id.us
- ☐ Facsimile: _____
- ☐ Statehouse Mail

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724


- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable



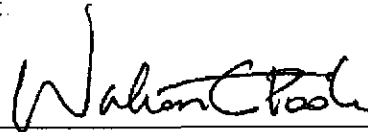
DAVID J. BARBER
Deputy Attorney General

2. I was awarded a Bachelor of Science degree in Biology from North Texas State University in 1971. I was awarded a Masters of Science degree in Biology / Aquatic Ecology from North Texas State University in 1973. I received my doctoral degree in Zoology / Aquatic Ecology from Idaho State University in 1981.

3 I began working for the Idaho Department of Fish and Game in May, 2006 in the Natural Resources Policy Bureau as a Staff Biologist. One of my jobs is to coordinate with the Idaho Office of the Attorney General regarding matters pending before the Snake River Basin Adjudication.

4. The Idaho Department of Fish and Game has actively managed a warm water and cold water fishery in Indian Creek Reservoir for many years. This management has included the stocking of fish according to the stocking records described in Attachment I. Attachment I is a true and correct copy of records maintained by the Idaho Department of Fish and Game.

5. Further your affiant sayeth naught.



WALTON POOLE

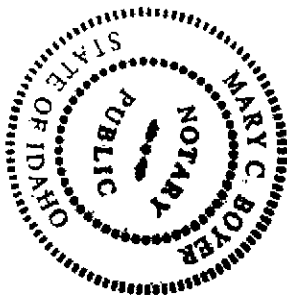
SUBSCRIBED AND SWORN to before me this 25th day of June 2007.

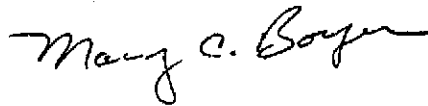
NOTARY PUBLIC FOR IDAHO

Residing at Boise Id

My Commission expires

My Commission Expires
August 31, 2011





CERTIFICATE OF MAILING

I certify that on this 26th day of June 2007, I caused to be served the original and copies of this AFFIDAVIT OF WALTON POOLE DATED JUNE 25, 2007 on the following persons by the indicated methods:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

Special Master Theodore Booth
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Email: tbooth@srba.state.id.us
☐ Facsimile: _____
☐ Statehouse Mail

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

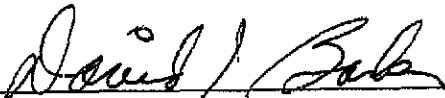
- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
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IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable



DAVID J. BARBER
Deputy Attorney General

**Indian Creek Reservoir Stocking Records
Prior to 1967**

COUNTY	DATE	YEAR	SPECIES	NUMBER	SIZE (inches)	POUNDS	ASSOCIATION	HATCHERY
	10/13	1920	INDIAN CREEK RES	70000		0.00	D P RICH	
Ada	11/15	1951	INDIAN CREEK RES	3034	4	82.00		EAGLE SALVAGE
Ada	11/16	1951	INDIAN CREEK RES	900	3-12	50.00		EAGLE SALVAGE
Ada	11/15	1951	INDIAN CREEK RES	2021	3	43.00		EAGLE SALVAGE

**Indian Creek Reservoir Stocking Records
1967 - 2006**

Date Stocked	Species Type	Size	Number Stocked
10/30/74	Unspecified Crappie	Fingerling (3-6 Inches)	2,000
10/30/79	Largemouth Bass	Catchable (6 Inches+)(ls)	600
07/08/80	Channel Catfish	Fry (0-3 Inches)	900
10/24/80	Bluegill	Catchable (6 Inches+)(ls)	10
10/24/80	Largemouth Bass	Fingerling (3-6 Inches)	40
10/24/80	Unspecified Crappie	Fingerling (3-6 Inches)	400
03/24/82	Unspecified Rainbow	Catchable (6 Inches+)(ls)	2,730
03/28/83	Unspecified Rainbow	Catchable (6 Inches+)(ls)	1,113
05/18/84	Unspecified Rainbow	Catchable (6 Inches+)(ls)	1,020
05/24/85	Unspecified Rainbow	Catchable (6 Inches+)(ls)	840
04/02/86	Mt Lassen Rainbow	Catchable (6 Inches+)(ls)	1,610

02/20/87	Mt Lassen Rainbow	Catchable (6 Inches+)(ls)	1,007
03/11/88	Mt Lassen Rainbow	Catchable (6 Inches+)(ls)	1,015
05/04/88	Mt Lassen Rainbow	Catchable (6 Inches+)(ls)	1,050
09/23/88	Channel Catfish	Fingerling (3-6 Inches)	100
03/31/89	Fish Lake Rainbow	Catchable (6 Inches+)(ls)	1,020
10/30/89	Lahontan Cutthroat	Fingerling (3-6 Inches)	5,616
04/05/90	Lahontan Cutthroat	Fingerling (3-6 Inches)	6,325
04/20/90	Unspecified Rainbow	Catchable (6 Inches+)(ls)	1,955
08/29/90	Lahontan Cutthroat	Fingerling (3-6 Inches)	5,438
11/01/90	Domestic Kamloops	Fingerling (3-6 Inches)	2,040
02/27/91	Unspecified Rainbow	Catchable (6 Inches+)(ls)	2,000
04/09/91	Hayspur Rainbow	Fingerling (3-6 Inches)	15,120
04/09/91	Mt Lassen Rainbow	Catchable (6 Inches+)(ls)	3,072
09/13/91	Channel Catfish	Fingerling (3-6 Inches)	1,002
09/18/91	Hayspur Rainbow	Fingerling (3-6 Inches)	5,000
09/30/93	Channel Catfish	Fingerling (3-6 Inches)	3,000
09/29/98	Channel Catfish	Fingerling (3-6 Inches)	1,650
05/01/06	Bluegill	Fingerling (3-6 Inches)	95
05/01/06	Largemouth Bass	Catchable (6 Inches+)(ls)	487
05/02/06	Bluegill	Fingerling (3-6 Inches)	349
05/25/06	Bluegill	Fingerling (3-6 Inches)	58
06/06/06	Bluegill	Fingerling (3-6 Inches)	458

11/13/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4679

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: INDIAN CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 3,000.000 AFY

PRIORITY DATE: 01/01/1895

POINT OF DIVERSION:

T01N R04E S29 SWSW Within ADA County

T01N R04E S30 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	1/01 12/31	3,000.00 AFY

PLACE OF USE: FISH PROPAGATION in ADA County

T01N R04E S28	NWSW	T01N R04E S28	SWSW
T01N R04E S29	SWNE	T01N R04E S29	NWNW
T01N R04E S29	SWNW	T01N R04E S29	SENW
T01N R04E S29	NESW	T01N R04E S29	NWSW
T01N R04E S29	SWSW	T01N R04E S29	SESW
T01N R04E S29	NESE	T01N R04E S29	NWSE
T01N R04E S29	SWSE	T01N R04E S29	SESE
T01N R04E S30	NENE	T01N R04E S30	SENE
T01N R04E S30	NESE	T01N R04E S30	SESE
T01N R04E S32	NENW	T01N R04E S32	NWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

IDFG HAS A FLOOD EASEMENT WITH BLM.

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4679

WATER RIGHT NUMBER: 63-4679

Owner Type Name and Address
 Current Owner STATE OF IDAHO
 DEPT OF FISH & GAME
 PO BOX 25
 BOISE, ID 83707
 (208)334-3700

Priority Date: 01/01/1895 -
 Basis: Statutory Claim
 Status: Active

Source Tributary
 INDIAN CREEK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	1/01 to 12/31		3,000.00 AF
	<u>Total Diversion:</u>		3,000.00 AF

Location of Point(s) of Diversion

INDIAN CREEK	SW1/4SW1/4	Sec. 29, Twp 01N, Rge 04E, B.M.
ADA County		
INDIAN CREEK	SE1/4SE1/4	Sec. 30, Twp 01N, Rge 04E, B.M.
ADA County		

Place of Use

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	04E	28										X	X						
01N	04E	29			X			X	X	X	X	X	X	X	X	X	X	X	
01N	04E	30	X			X								X				X	
01N	04E	32					X	X											

Conditions of Approval:

1. IDFG HAS A FLOOD EASEMENT WITH BLM.

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

P. O. Box 25, 600 So. Walnut, Boise, ID 83707 Telephone No. 384-3730

(1) Date of priority: (When was the water first applied to a beneficial use) Year of 1895

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Indian Creek tributary to Boise River

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)	and recreation use	(Mo., Day)	(Mo., Day)
Quantity	3,000 AFA	Use	Storage for wildlife	Period of Use From Jan. 1	To Dec. 31
Quantity	2,000 AFA	Use	Recharge of Reservoir	Period of Use From Jan. 1	To Dec. 31
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 SE 1/4, Sec. 30 Twp. 1 N Rge. 4 E B.M., County of Ada
Additional points of diversion: SW 1/4, Sec. 29, Township 1 North, Range 4 East, Boise
Meridian. Head of the reservoir is located in the NW 1/4 of Sec. 28, T. 1 N., R. 4 E. B.M.
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field,
etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the
change. Dam, earth and rock fill, 1900' in length - average height 18', reservoir
area 379.42 acres. Dam was constructed in 1895

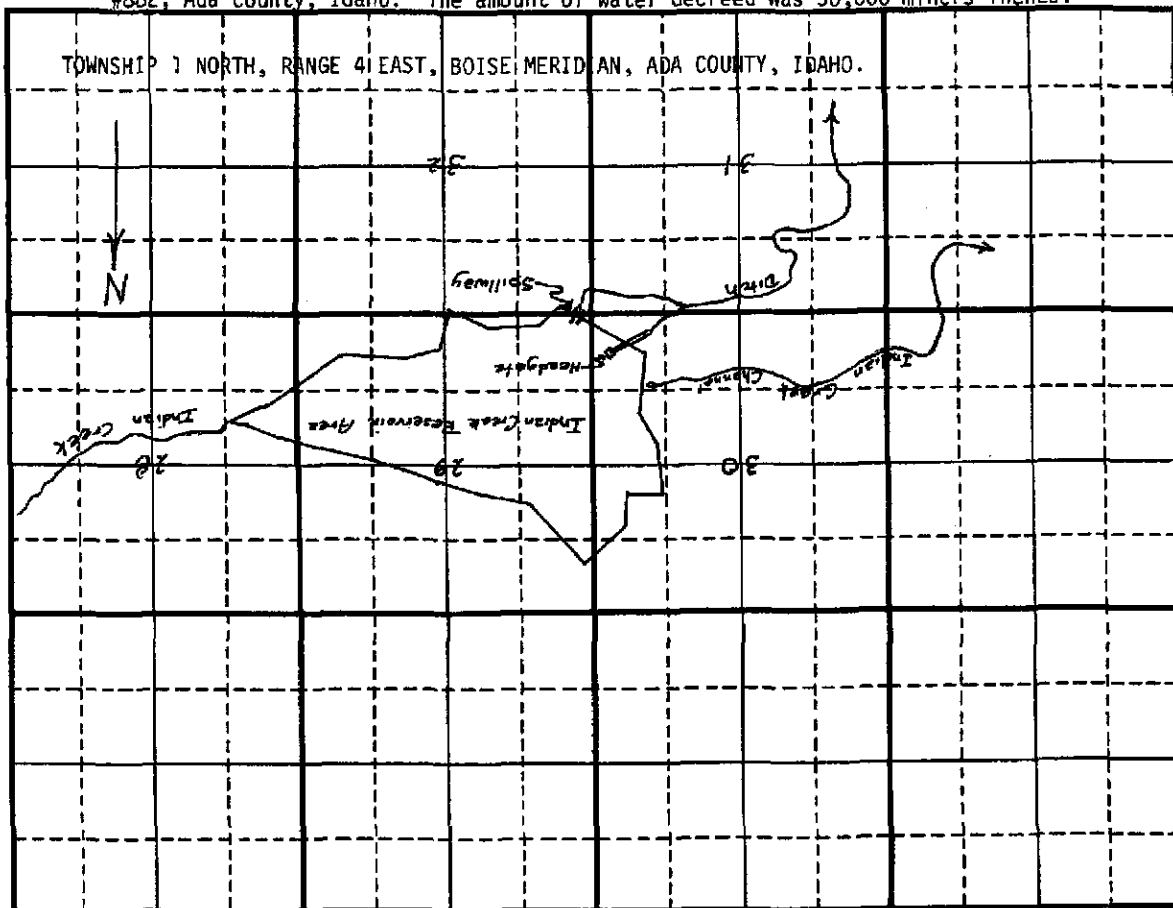
[illegible]

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Storage for propagation of game fish and wildlife and for public recreation use. The primary use of the reservoir has been for game fish, wildlife, and public recreation since 1955. Prior to 1955, propagation of game fish and wildlife for public recreational use was a strong secondary use of the reservoir.

(7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED

- (8) Remarks The Idaho Dept. of Fish and Game has been assigned all rights, title and interest of the dam and reservoir area formerly owned by the Indian Creek Reservoir, Ditch and Irrigation Company, Limited, together with all of its water rights as decreed in that court case of Indian Creek Res. vs. Orchard Fruit Co., Third Judicial Court dated May 25, 1908 filed of record in Book "G" of Judgments at page 608, Instrument #882, Ada County, Idaho. The amount of water decreed was 50,000 miners inches.



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of ADA) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 3rd day of August, 1979.

Joseph R. Smith
(Claimant)

Notary Public
Residing at Boise, Idaho

My commission expires 9-24-80

FOR DEPARTMENT USE ONLY

Received by <u>lw</u>	Date <u>8/23/79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CLS</u>	Date <u>8/26/79</u>		claimant by:	
\$20.00 fee received by <u>State</u>	Date <u>8/23/79</u>			
Published in <u>Statesman</u>				
Dates <u>8/23 & 8/30/79</u>				